



Atty Dkt No. 2225-0001  
USSN: 09/502,426  
PATENT

1630/1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on 4 June 2002

6/4/02 Susan Lamont  
Date Signature

RECEIVED

JUN 24 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In Re Application of:

AZPIROZ et al.

Serial No.: 09/502,426

Art Unit: 1638

COPY OF PAPERS  
ORIGINALLY FILED

Filing Date: February 11, 2000

Examiner: A. Mehta

Title: DWF4 POLYNUCLEOTIDES, POLYPEPTIDES AND USES  
THEREOF

**AMENDMENT TRANSMITTAL LETTER**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is an amendment in the above patent application in response to the Office Action of December 4, 2001.

- Petition for Extension of Time enclosed.  
 No additional fee is required.  
 Also enclosed: Version with Markings to Show Changes Made;  
Currently Pending Claims; Declarations of the Inventors;  
Printout of e-mails from GenBank and "The Plant Cell.";  
postcard

No. of Claims After Amendment	Most Claims Previously Paid			Extra Claims		Additional Fee		
A. Total Claims		-		=	x	\$18	=	\$
B. Ind. Claims		-		=	x	\$84	=	
C. If amended to contain multiple dependent claims, add 280						\$280	=	\$

D. Total Amendment Fee (Total of A, B & C)	=	
E. If small entity, 50% reduction of Total Amendment Fee (50% of D)	=	
F. Total Amendment Fee (D minus E)	=	\$

X A check for \$ 460 to cover the extension of time fee is attached.

— Charge \$ to Deposit Account No. 18-1648.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: Jane 4/2002

By: Narinder Banait  
 Narinder S. Banait  
 Registration No. 43,482  
 Attorney for Applicants

ROBINS & PASTERNAK LLP  
 545 Middlefield Road, Suite 180  
 Menlo Park, CA 94025  
 Telephone: 650-325-7812  
 Facsimile: 650-325-7823

Printout of emails from GenBank and "The Plant Cell"

**Narinder S. Banait**

**Fr m:** "Tao Tao" <tao@ncbi.nlm.nih.gov>  
**To:** <nsb@robinlaw.com>  
**Cc:** <tao@ncbi.nlm.nih.gov>  
**Sent:** Wednesday, March 27, 2002 1:10 PM  
**Attach:** NoName.htm  
**Subject:** re: Deposit Date



**COPY OF PAPERS  
ORIGINALLY FILED**

Dear Colleague,

I have enclosed some information below regarding the release date of the GenBank accession number about which you have inquired. Per our record, AF044216 was first release on March-6-1998.

GenBank collaborates with the EMBL database in Europe and the DDBJ database in Japan to produce and distribute the International DNA Sequence Databases. The International DNA Sequence Databases take no responsibility for making any determination of the priority issues for patent claims. We are able only to inform you, to the best of our knowledge, of the release date of the pertinent sequence into the public database. We appreciate your understanding and cooperation.

Regards,

Tao Tao  
GenBank User Services

----- Begin Forwarded Message -----

From: "Narinder S. Banait" <nsb@robinlaw.com>  
To: <info@ncbi.nlm.nih.gov>  
Subject: Deposit Date  
Date: Wed, 27 Mar 2002 11:53:15 -0800  
MIME-Version: 1.0  
X-Priority: 3  
X-MSMail-Priority: Normal  
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2600.0000  
X-Virus-Scanned: by amavisd-milter ( http://amavis.org/ )

Dear Sir:

Could you please provide me with the date on which AF044216 was added to the GenBank data base and/or the date on which the deposit became available to the public.

The URL for the sequence is given below.

[http://www.ncbi.nlm.nih.gov/entrez/viewer.fcgi?query\\_key=1&db=nucleotide&page=0& displaymax=20&WebEnv=v%40!%5E%3C%3FN%3C%3CF%3CN%3DeJAf%3FEIc%3Fa%3CCkeh%3F%60n%5Cg%5CB%3C%3DTahKDE%3CpdKaHB&WebEnvRq=1](http://www.ncbi.nlm.nih.gov/entrez/viewer.fcgi?query_key=1&db=nucleotide&page=0&displaymax=20&WebEnv=v%40!%5E%3C%3FN%3C%3CF%3CN%3DeJAf%3FEIc%3Fa%3CCkeh%3F%60n%5Cg%5CB%3C%3DTahKDE%3CpdKaHB&WebEnvRq=1)

Thank you.

Sincerely  
Narinder

Narinder Banait  
Tel: (650) 325-7812  
Fax: (650) 325-7823  
email: [nsb@robinlaw.com](mailto:nsb@robinlaw.com)

----- End Forwarded Message -----

----- End Forwarded Message -----

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Dear Sir:

Could you please provide me with the date on which AF044216 was added to the GenBank data base and/or the date on which the deposit became available to the public.

The URL for the sequence is given below.

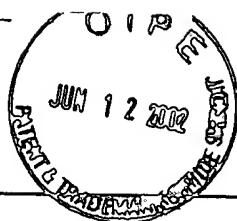
[http://www.ncbi.nlm.nih.gov/entrez/viewer.fcgi?query\\_key=1&db=nucleotide&page=0&dispmax=20&WebEnv=v%40l%5E%3C%3FN%3C%3CF%3CN%3DeJAf%3FEIc%3Fa%3CCkeh%3F%60n%5Cg%5CB%3C%3DTahKDE%3CpdKaHB&WebEnvRq=1](http://www.ncbi.nlm.nih.gov/entrez/viewer.fcgi?query_key=1&db=nucleotide&page=0&dispmax=20&WebEnv=v%40l%5E%3C%3FN%3C%3CF%3CN%3DeJAf%3FEIc%3Fa%3CCkeh%3F%60n%5Cg%5CB%3C%3DTahKDE%3CpdKaHB&WebEnvRq=1)

Thank you.

Sincerely  
Narinder

Narinder Banait  
Tel: (650) 325-7812  
Fax: (650) 325-7823  
email: [nsb@robinlaw.com](mailto:nsb@robinlaw.com)

Narinder S. Banait



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JUN 24 2002

TECH CENTER 1600/2900

From: "Beth D. Staehle" <[beths@aspb.org](mailto:beths@aspb.org)>  
 To: "Narinder S. Banait" <[nsb@robinlaw.com](mailto:nsb@robinlaw.com)>  
 Sent: Thursday, April 04, 2002 9:20 AM  
 Subject: RE: Publication Date for 10(2) 1998

Dear Dr. Banait,

I apologize for the delayed response. The publication date for that issue is February 25, 1998.

Sincerely,  
 Beth D. Staehle  
 Managing Editor

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Beth Staehle  
 Managing Editor              Phone: 301-251-0560x121

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*The Plant Cell*              Fax: 301-279-2996  
 15501 Monona Dr.              E-mail: [beths@aspb.org](mailto:beths@aspb.org)  
 Rockville, MD 20855-2768

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-----Original Message-----

From: Narinder S. Banait [mailto:[nsb@robinlaw.com](mailto:nsb@robinlaw.com)]  
 Sent: Thursday, March 28, 2002 12:30 PM  
 To: [beths@aspb.org](mailto:beths@aspb.org)  
 Subject: Publication Date for 10(2) 1998

Dear Ms. Staehle:

Could you please provide the publication date and/or the date on which the February 1998 issue of *The Plant Cell*, Volume 10 was mailed to subscribers.

If I can provide you with any other information, please let me know. Thank you very much for your help.

Sincerely,  
 Narinder

Narinder Banait  
 Tel: (650) 325-7812  
 Fax: (650) 325-7823  
 email: [nsb@robinlaw.com](mailto:nsb@robinlaw.com)

**Declaration of the Inventors**